



February 20, 2007

## HOUSE BILL No. 1047

DIGEST OF HB 1047 (Updated February 15, 2007 12:49 pm - DI 96)

**Citations Affected:** IC 12-7; IC 12-8; IC 22-2; noncode.

**Synopsis:** Disclosure of employer health care spending. Requires an applicant for or a recipient of medical assistance administered by the state to provide information concerning the applicant's or recipient's employer or the employer of each person who is responsible for providing any part of the applicant's or recipient's support. Requires the office of the secretary of family and social services to submit annually to the legislative council a report that provides certain information about employers identified by at least 50 recipients of medical assistance. Requires an employer that employs at least 1,000 employees in Indiana to file with the commissioner of the department of labor an annual report that provides certain information concerning the employer's spending during the preceding calendar year for health care benefits for its employees in Indiana. Provides that the report is a public record. Requires the commissioner to assess a civil penalty not to exceed \$500 against an employer that fails to file an annual report or files a substantially and materially insufficient or incorrect report. Provides that each day an annual report is late is a separate violation for purposes of assessing a civil penalty.

**Effective:** July 1, 2007.

**Dickinson**

January 8, 2007, read first time and referred to Committee on Labor and Employment.  
February 19, 2007, reported — Do Pass.

HB 1047—LS 6436/DI 102+



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February 20, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1047

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-7-2-15, AS AMENDED BY P.L.145-2006,  
2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2007]: Sec. 15. "Applicant" means the following:

4 (1) For purposes of the following statutes, a person who has  
5 applied for assistance for the applicant or another person under  
6 any of the following statutes:

7 (A) **IC 12-8-15.**

8 ~~(A)~~ (B) IC 12-10-6.

9 ~~(B)~~ (C) IC 12-10-12.

10 ~~(C)~~ (D) IC 12-13.

11 ~~(D)~~ (E) IC 12-14.

12 ~~(E)~~ (F) IC 12-15.

13 ~~(F)~~ (G) IC 12-19.

14 (2) For purposes of IC 12-17-12, the meaning set forth in  
15 IC 12-17-12-1.

16 (3) For purposes of IC 12-17-13, the meaning set forth in  
17 IC 12-17-13-1.

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(4) For the purposes of IC 12-17.2, a person who seeks a license to operate a child care center or child care home.

(5) For purposes of IC 31-27, a person who seeks a license to operate a child caring institution, foster family home, group home, or child placing agency.

SECTION 2. IC 12-7-2-128.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 128.3. "Medical assistance", for purposes of IC 12-8-15, has the meaning set forth in IC 12-8-15-3.**

SECTION 3. IC 12-7-2-147.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 147.3. "Proposed beneficiary", for purposes of IC 12-8-15, has the meaning set forth in IC 12-8-15-4.**

SECTION 4. IC 12-7-2-158, AS AMENDED BY P.L.145-2006, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 158. "Recipient" means the following:

(1) For purposes of the following statutes, a person who has received or is receiving assistance for the person or another person under any of the following statutes:

(A) IC 12-8-15.

~~(A)~~ (B) IC 12-10-6.

~~(B)~~ (C) IC 12-13.

~~(C)~~ (D) IC 12-14.

~~(D)~~ (E) IC 12-15.

~~(E)~~ (F) IC 12-19.

(2) For purposes of IC 12-20-10 and IC 12-20-11:

(A) a single individual receiving township assistance; or

(B) if township assistance is received by a household with at least two (2) individuals, the member of the household most suited to perform available work.

SECTION 5. IC 12-8-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 15. Disclosure of Employers of Medical Assistance Recipients**

**Sec. 1. This chapter applies to all programs administered by the state providing health care or hospital benefits under any of the following:**

(1) IC 12-10-10 (community and home options to institutional care for the elderly and disabled program).

(2) IC 12-15 (Medicaid).

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(3) IC 12-17.6 (children's health insurance program).

(4) Any other program that provides health care or hospital benefits and is administered by the state.

Sec. 2. As used in this chapter, "applicant" means a person who has applied for medical assistance for the applicant or another person.

Sec. 3. As used in this chapter, "medical assistance" means health care or hospital benefits received under any of the following programs:

(1) IC 12-10-10 (community and home options to institutional care for the elderly and disabled program).

(2) IC 12-15 (Medicaid).

(3) IC 12-17.6 (children's health insurance program).

(4) Any other program that provides health care or hospital benefits and is administered by the state.

Sec. 4. As used in this chapter, "proposed beneficiary" means a person who, if an application is approved, will receive medical assistance.

Sec. 5. As used in this chapter, "recipient" means a person who has received or is receiving medical assistance for the person or another person.

Sec. 6. An applicant or a recipient shall identify the employer of the proposed beneficiary or recipient of the medical assistance. If the proposed beneficiary or recipient is not employed, the applicant shall identify the employer of each person who is responsible for providing any part of the proposed beneficiary's or recipient's support.

Sec. 7. (a) Not later than October 1 each year, the office of the secretary shall submit to the legislative council a report listing the employers identified by at least fifty (50) recipients who received medical assistance during any part of the preceding fiscal year.

(b) The report required by subsection (a) must include at least the following information for each employer:

(1) The name of the employer, including all subsidiaries of the employer that employed at least one (1) recipient or person who was responsible for providing any part of a recipient's support.

(2) The address of each location of the employer where at least one (1) recipient or person who was responsible for providing any part of a recipient's support was employed.

(3) For each program of medical assistance, the number of recipients who were:

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(A) employees; or

(B) children or other dependents who identified an employee as responsible for providing any part of the recipient's support.

(4) The total cost to the state of the medical assistance provided to the recipients described in subdivision (3).

(c) The report must be submitted in an electronic format under IC 5-14-6.

(d) The report:

(1) may not disclose any information from which the identity of an individual recipient may be ascertained; and

(2) is subject to:

(A) the privacy standards established under the federal Medicaid regulations; and

(B) the confidentiality provisions of the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191).

(e) A report submitted under this section is a public record subject to public inspection under IC 5-14-3. The office of the secretary shall make the reports submitted under this section available to the public through all appropriate means, including the Internet.

SECTION 6. IC 22-2-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 13. Disclosure of Employer Health Care Spending**

**Sec. 1.** This chapter applies to an employer that employs at least one thousand (1,000) employees in Indiana.

**Sec. 2.** As used in this chapter, "commissioner" means the commissioner of the department of labor created by IC 22-1-1-1.

**Sec. 3.** (a) As used in this chapter, "employee" means a person employed or permitted to work or perform services for remuneration under a contract of hire, written or oral, by an employer, including a person who works at least half of the hours or schedule worked by a person who is employed full-time by the employer.

(b) The term does not include a person who works on a temporary or seasonal basis.

**Sec. 4.** As used in this chapter, "employer" means an individual, a corporation, a partnership, a limited liability company, or any other legal entity that is legally doing business in Indiana and that has employees.

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1        **Sec. 5. As used in this chapter, "health care benefits" means**  
 2        **employer provided health coverage, including coverage for medical**  
 3        **care, prescription drugs, vision care, medical savings accounts, or**  
 4        **any other health related benefit.**

5        **Sec. 6. (a) Not later than March 1 each year, an employer shall**  
 6        **file with the commissioner a report providing at least the**  
 7        **information listed in subsection (b) concerning the employer's**  
 8        **spending during the preceding calendar year for health care**  
 9        **benefits for its employees in Indiana.**

10        **(b) The report required by subsection (a) must include at least**  
 11        **the following information:**

12                **(1) The employer's name and address.**

13                **(2) The total dollar amount the employer spent on health care**  
 14                **benefits for its employees employed in Indiana during the**  
 15                **preceding calendar year.**

16                **(3) The amount reported under subdivision (2) expressed as**  
 17                **a percentage of the employer's payroll in Indiana during the**  
 18                **preceding calendar year.**

19                **(4) The amount reported under subdivision (2) expressed as**  
 20                **the average amount spent per employee employed in Indiana**  
 21                **during the preceding calendar year.**

22        **(c) The report may not disclose any information from which the**  
 23        **identity of an individual employee may be ascertained.**

24        **(d) A report submitted under this section is a public record**  
 25        **subject to public inspection under IC 5-14-3. The commissioner**  
 26        **shall make the reports submitted under this section available to the**  
 27        **public through all appropriate means, including the Internet.**

28        **Sec. 7. (a) The commissioner shall assess a civil penalty in an**  
 29        **amount not to exceed five hundred dollars (\$500) against an**  
 30        **employer who:**

31                **(1) fails to file the report required under section 6 of this**  
 32                **chapter; or**

33                **(2) files a report the commissioner determines is substantially**  
 34                **and materially insufficient or incorrect.**

35        **(b) Each day that the report required under section 6 of this**  
 36        **chapter is late is considered a separate violation for purposes of**  
 37        **assessing a civil penalty under this section.**

38        **(c) Civil penalties collected under this section shall be deposited**  
 39        **in the state general fund.**

40        **SECTION 7. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding**  
 41        **IC 12-8-15-7, as added by this act, the office of the secretary of**  
 42        **family and social services established by IC 12-8-1-1 shall submit**

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1 the first report under IC 12-8-15-7(a), as added by this act, not  
2 later than October 1, 2008.

3 (b) This SECTION expires December 31, 2008.

4 SECTION 8. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding  
5 IC 22-2-13-6, as added by this act, an employer shall submit the  
6 first report under IC 22-2-13-6(a), as added by this act, not later  
7 than March 1, 2008.

8 (b) This SECTION expires June 30, 2008.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CHENEY, Chair

Committee Vote: yeas 5, nays 4.

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